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1645#

PATENT
ATTORNEY DOCKET NO.: 045636-5048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re PATENT APPLICATION of:

Isabelle POQUET *et al.*

Application No.: 09/869,106

Filed: October 9, 2001

FOR: GRAM POSITIVE BACTERIA DEPRIVED
OF HtrA PROTEASE ACTIVITY AND
THEIR USES

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)
)
)
) Group Art Unit: 1645
)
) Examiner: Graser, Jennifer E.
)
)
)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated June 10, 2003.

2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, copies of ___ references
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☒ Other: 8 Attachments to the Amendment

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|--|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input checked="" type="checkbox"/> two months | \$ 420.00 | \$210.00 |
| <input type="checkbox"/> three months | \$ 950.00 | \$475.00 |
| <input type="checkbox"/> four months | \$1,480.00 | \$740.00 |
| <input type="checkbox"/> five months | \$2,010.00 | \$1,005.00 |

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$420.00

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|--|---|-------|--------------------------------|------------------|-------------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 11 | minus | 20 | 0 | x \$18/\$9 each= | \$ 0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 3 | minus | 3 | 0 | x \$86/\$43 each= | \$ 0.00 |
| <input type="checkbox"/> First presentation of Multiple dependent claim(s) | | | | | \$290/\$145 | \$ 0.00 |
| SUB-TOTAL = | | | | | | \$ 0.00 |
| Fee for <u>2</u> Month Extension of Time | | | | | | \$ 420.00 |
| Reduction by ½ for filing by a small entity | | | | | | \$ 0.00 |
| TOTAL FEE = | | | | | | \$ 420.00 |

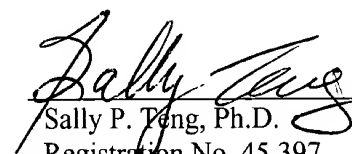
6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge \$420.00 to Deposit Account No. 50-0310 for Two-Month Extension of Time Fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,
Morgan Lewis & Bockius LLP

Date: November 10, 2003
Morgan Lewis & Bockius LLP
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Sir:

AMENDMENT UNDER 37 C.F.R. § 1.111

This paper responds to the Office Action, dated June 10, 2003, time for response to which expired September 10, 2003. An extension of time of two months is filed concurrently, thereby extending the period of response to November 10, 2003.

Applicants respectfully request reconsideration of this application in view of the following amendment and remarks.

Please amend the above-identified application as follows:

Amendment to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.